

Oyster Tag Sales By Type
7/11/10 -6/30/11

Oyster Tag Sales By Type										Totals
7/1/10 - 6/30/11										
	July	August	September	October	November	December	January	February	March	
Generic Blk/Wht		1,000		5,500	22,650	20,400	24,300	8,700	39,300	121,850
Laser Black/White Generic					15,000	3,000	27,000	9,600	29,400	84,000
Generic Green	5,000	10,000	10,000	20,600	15,000	5,500	15,000	5,500	20,000	76,600
Laser Blue	18,000	6,000	12,000	15,000	15,000	6,000			33,000	120,000
Personalized Blk/Wht	18,000			<u>16,800</u>						34,800
Total	41,000	17,000	22,000	57,900	52,650	34,900	66,300	23,800	121,700	437,250

FY 11 2005 State Oyster

7/1/2010 through 4/21/2011

4/21/2011

Date	Description	Memo	Category	Amount
BALANCE 6/30/2010				
9/2/2010	LUCIEN GUNTER	Oyster Event travel (DC)	D (TRAVEL) ...	165,000.00
10/22/2010	Bank OF AMERICA	Inland Seafood, White House event	F (SUPPLIES...	
10/26/2010	DR. THOMAS SONIAT	Assay for oyster Pekinus Marinus	G (PROFESSI...	
12/14/2010	Bank OF AMERICA	Engraving Co, W. Voisin Plaque + Letter opener	E (OPERATIN...	
12/16/2010	Louisiana State University	Perkinus Marinus eval of LA oysters	H (OTHER C...	
1/14/2011	Bank OF AMERICA	J. Tesvich airfare, ISSC	D (TRAVEL) ...	
1/14/2011	Bank OF AMERICA	M. Voisin airfare, ISSC	D (TRAVEL) ...	
1/14/2011	Bank OF AMERICA	W. Collins airfare, ISSC	D (TRAVEL) ...	
1/14/2011	Bank OF AMERICA	A. Suneri airfare, ISSC	D (TRAVEL) ...	
1/14/2011	Bank OF AMERICA	S. Slavich airfare, ISSC	D (TRAVEL) ...	
1/14/2011	Bank OF AMERICA	Shorts travel, agent fee ISSC	D (TRAVEL) ...	
1/14/2011	Bank OF AMERICA	Shorts travel, agent fee ISSC	D (TRAVEL) ...	
1/14/2011	Bank OF AMERICA	Shorts travel, agent fee ISSC	D (TRAVEL) ...	
1/14/2011	Bank OF AMERICA	Shorts travel, agent fee ISSC	D (TRAVEL) ...	
1/14/2011	Bank OF AMERICA	Shorts travel, agent fee ISSC	D (TRAVEL) ...	
1/19/2011	MIKE VOISIN	Orlando ISSC travel reimbursement	D (TRAVEL) ...	
1/24/2011	LOUISIANA OYSTER DEALER...	Sponsorship 2011 Louisiana Oyster Convention	H (OTHER C...	
1/26/2011	AI SUNSERI	ISSC conference October	D (TRAVEL) ...	
1/26/2011	Wilbert Collins	ISSC conference October	D (TRAVEL) ...	
1/26/2011	John Tesvich	ISSC Conference	D (TRAVEL) ...	
2/1/2011	CHESAPEAKE GROUP LLC	2011 Legislative pmt (first half)	G (PROFESSI...	
2/23/2011	John Tesvich	Gulf Coast Restoration travel reimbursement	D (TRAVEL) ...	
7/1/2010 - 4/21/2011				
BALANCE 4/21/2011				145,384.87
TOTAL INFLOWS				0.00
TOTAL OUTFLOWS				
NET TOTAL				

SEAFOOD PROMOTION AND MARKETING BOARD
FINANCIAL REPORT OYSTER DEVELOPMENT ACCOUNT (W18)
FISCAL YEAR 2010-2011
AS OF April 25, 2011

Reporting Category - 2005	BUDGET	EXPENDED	ENCUMBERED	PRE ENCUMBERED	REMAINING BALANCE
EXPENDITURE CATEGORIES:					
Salaries	38,000.00	37,596.13			403.87
Other Compensation					-
Related Benefits	11,464.00	10,817.83			646.17
Travel	43,736.00	4,013.16			39,722.84
Operating Services	31,000.00	-			31,000.00
Supplies	200.00	403.90			(203.90)
Professional Services	40,600.00	4,975.00	3,000.00		32,625.00
Other Charges		10,000.00	-		(10,000.00)
Acquisitions	-				-
Interagency Transfers	-				-
Total	165,000.00	67,806.02	3,000.00	-	94,193.98
Fund Balance Available					27,122.47

Regular Session, 2011

HOUSE BILL NO. 301

BY REPRESENTATIVE BILLIOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/OYSTERS: Provides relative to standard measurements of shellstock oysters

1 AN ACT

2 To amend and reenact R.S. 56:440, relative to measurements of shellstock oysters; to define

3 standard measurements for such oysters; to provide relative to inspections; to

4 provides relative to penalties and seizure; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:440 is hereby amended and reenacted to read as follows:

7 §440. Standard measurements; barrel

8 A. In all of the operations of the department, the standard measurement of

9 the barrel referred to herein shall be 6451.26 cubic inches, which approximately

10 represents the cubic contents of three bushels, or one barrel; one sack represents

11 3225.63 cubic inches or one and one-half bushels or one-half barrel.

12 B. To ensure the accuracy of an oyster measuring container, the Department

13 of Agriculture and Forestry shall have available, for purchase, baskets which are

14 certified accurate. Each basket shall be sold at a price of not more than twenty

15 percent over the cost of a comparable basket from a basket maker. Except those

16 vessels engaged in harvesting from the public seed grounds for the purposes of

17 planting cultch and those vessels engaged in transplanting oysters because of health

18 issues, an oyster basket certified accurate by the weights and measures section of the

19 office of agro-consumer services, Department of Agriculture and Forestry, and

- 1 bearing an official seal to that effect shall be on board each oyster harvester vessel
2 during the commercial harvest of oysters for sale.
- 3 C. Each sack of oysters shall contain the equivalent of one basket, and each
4 barrel shall contain the equivalent of two baskets or two sacks. Shellstock oysters
5 may be sold by count, if labeled by count; by weight, if labeled by weight; and by
6 volume, if labeled by volume.
- 7 D. Sacks and barrels shall contain correct measurements prior to removal
8 from the harvesting vessel and shall contain correct measurements at the time of
9 delivery to the consignee, buyer, or importer and at the time of delivery to any
10 subsequent purchaser after the initial sale. Anyone harvesting for commercial
11 purposes or selling shellstock oysters shall ensure that the oysters being sold are
12 labeled correctly.
- 13 E. The violation of any provision of this Section or of any rule or regulation
14 adopted under the provisions of this Section shall be subject to penalties of a class
15 4 violation as defined by R.S. 56:34, except that only oysters may be seized. Oysters
16 that have been seized in connection with any violation of this Section shall, at the
17 expense of the person from whom the oysters were seized, be returned to the area
18 from which the oysters were harvested.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Billiot

HB No. 301

Abstract: Provides relative to standard measurements of shellstock oysters.

Present law provides that for the purposes of oyster measurements, a barrel is 6451.26 cubic inches, which equals three bushels and one sack is 3225.63 cubic inches or one and one-half bushels or one-half barrel.

Proposed law retains present law and further provides that to ensure the accuracy of an oyster measuring container, the Dept. of Agriculture and Forestry shall have available for purchase baskets which are certified accurate. Unless harvesting from the public seed grounds for planting cultch or for transplanting oysters because of health issues, proposed law requires a certified oyster basket from the Dept. of Agriculture and Forestry to be on board each oyster harvester vessel.

Further provides that shellstock oysters may be sold by count, if labeled by count; by weight, if labeled by weight; and by volume, if labeled by volume. Requires accurate measurement of oysters at each point of sale.

Provides that violations are class four violations punishable as follows:

1st offense	between \$400 & \$950	or	imprisonment for more than 120 days, or both
2nd offense	between \$750 & \$999	&	imprisonment between 90 and 180 days
3rd or more	between \$1,000 & \$5,000 &		imprisonment between 180 days and two years

except that only oysters must be forfeited. Provides that oysters seized in connection with any violation shall, at the expense of the person from whom the oysters were seized, be returned to the area from which the oysters were harvested.

(Amends R.S. 56:440)

Regular Session, 2011

HOUSE BILL NO. 293

BY REPRESENTATIVE DOVE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/VESSELS: Authorizes the Wildlife and Fisheries Commission to regulate the taking of certain species of fish and to require the use of vessel monitoring systems in certain circumstances

AN ACT

To amend and reenact R.S. 44:4.1(B)(33) and to enact R.S. 56:6(34) and 433.1(A)(4), relative to the powers and authority of the Wildlife and Fisheries Commission; to authorize the commission to regulate and permit the taking of certain species of fish; to authorize the commission to require the use of vessel monitoring systems on vessels engaged in commercial harvest from the public oyster seed grounds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:4.1(B)(33) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(33) R.S. 56:301.4, 306.5, 309.4, 433.1(A)(4), 637

* * *

1 Section 2. R.S. 56:6(34) and 433.1(A)(4) are hereby enacted to read as follows:

2 §6. Special powers and duties; statistics; rules and regulations; reports

3 The commission, through its secretary:

4 * * *

5 (34) May promulgate rules and regulations, subject to the provisions of the
6 Administrative Procedure Act, to manage and collect harvest information for
7 recreational landings of state and federal cooperatively managed species in
8 coordination with the Gulf of Mexico Fishery Management Council, and to set
9 seasons, times, places, quotas, daily take, possession limits, permitting, reporting
10 procedures, landing requirements, tagging requirements, and other rules and
11 regulations pursuant thereto necessary to manage and collect harvest information on
12 recreational landings.

13 * * *

14 §433.1. Oyster seed ground vessel permit; Oyster Seed Ground Vessel Permit

15 Appeals Board

16 A.

17 * * *

18 (4) In an effort to collect data to enable the department to better manage the
19 public oyster resource, the commission may adopt rules and regulations which
20 require the use of a vessel monitoring system for use by a vessel taking oysters for
21 commercial purposes under the authority of the oyster seed ground vessel permit.
22 Any data collected by the department shall be held in confidentiality and shall not
23 be subject to the Public Records Act.

24 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Dove

HB No. 293

Abstract: Authorizes the Wildlife and Fisheries Commission to promulgate rules relative to certain activities related to commercial and recreational fishing.

Proposed law authorizes the Wildlife and Fisheries Commission to promulgate rules to manage recreational landings of fish species managed cooperatively with the Gulf of Mexico Fishery Management Council.

Proposed law also authorizes the Wildlife and Fisheries Commission to promulgate rules which would require the use of a vessel monitoring system by oyster harvester vessels taking oysters from the natural public reefs or the public seed grounds or reservations.

Proposed law also provides for a public records exception for data collected pursuant to the vessel monitoring.

(Amends R.S. 44:4.1(B)(33); Adds R.S. 56:6(34) and 433.1(A)(4))

Regular Session, 2011

HOUSE BILL NO. 245

BY REPRESENTATIVE GIROD JACKSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/OYSTERS: Provides with respect to the harvesting of oysters for raw consumption within the state

AN ACT

To amend and reenact R.S. 56:437 and to repeal R.S. 40:5.3.1, relative to harvest and sale of oysters for raw consumption; to require a time limit on transportation of such oysters from harvest to refrigeration; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:437 is hereby amended and reenacted to read as follows:

§437. Sale of oysters for raw consumption within the state

Oysters which have been harvested from Louisiana waters may be sold for raw consumption within the state at all times during the year provided however, that during the time period from May first through October thirty-first each year, movement of such oysters from harvest to refrigeration shall take no more than five hours. Federal regulations which may prohibit the interstate transportation and sale of oysters which have not been post-harvest treated shall not apply to oysters harvested, sold, and consumed within the state of Louisiana. The Department of Health and Hospitals shall promulgate rules pursuant to the Administrative Procedure Act to administer the provisions of this Section and the Department of Wildlife and Fisheries shall assist in the enforcement of such rules. Such rules shall allow up to five hours for the oysters to be transferred from harvest to refrigeration as provided in this Section.

Section 2. R.S. 40:5.3.1 is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Girod Jackson

HB No. 245

Abstract: Requires a time limit at certain times of the year on transportation of oysters from harvest to refrigeration if the oysters are for raw consumption.

Present law authorizes the year-round sale for raw consumption within the state, oysters which are harvested in La. waters. Requires the Dept. of Health and Hospitals to adopt rules and regulations for enforcement of this authority.

Proposed law retains present law but requires that during the period from May 1 to Oct. 31 each year, movement of oysters from harvest to refrigeration must take no more than five hours. Further requires that the rules adopted by DHH must allow five hours for such movement.

Present law authorizes DHH to grant an exemption from the National Shellfish Sanitation Program's *Vibrio parahaemolyticus* (*Vp*) and *Vibrio vulnificus* (*Vv*) management plans to harvesters and dealers who have not been epidemiologically linked to a *Vp* or *Vv* oyster-related illness

Proposed law repeals present law.

(Amends R.S. 56:437; Repeals R.S. 40:5.3.1)

Regular Session, 2011

HOUSE BILL NO. 246

BY REPRESENTATIVE SIMON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STATE SYMBOL: Provides for certain state symbols

1 AN ACT

2 To amend and reenact R.S. 49:163 and to enact R.S. 49:163.1, relative to state symbols; to

3 change the state gemstone from agate to LaPearlite; to provide for the use of the

4 gemstone on official documents; to provide for a state mineral; and to provide for

5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:163 is hereby amended and reenacted and R.S. 49:163.1 is hereby

8 enacted to read as follows:

9 §163. State gemstone

10 There shall be an official state gemstone. The official state gemstone shall

11 ~~be the agate, as found in Louisiana gravel~~ LaPearlite, derived from the organic shell

12 Crassostrea virginica, a species predominantly found in the waters of coastal

13 Louisiana. Its use on official documents of the state and with the insignia of the state

14 is hereby authorized.

15 §163.1 State mineral

16 There shall be an official state mineral. The official state mineral shall be the

17 agate, as found in Louisiana gravel. Its use on official documents of the state and

18 with the insignia of the state is hereby authorized.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Simon

HB No. 246

Abstract: Changes the state gemstone to LaPearlite and makes agate the state mineral.

Present law provides that the state gemstone shall be agate.

Proposed law changes present law from agate to LaPearlite. LaPearlite is derived from the organic shell of the American oyster which is a species predominantly found in the waters of coastal La.

Proposed law makes agate the state mineral.

(Amends R.S. 49:163; Adds R.S. 49:163.1)

Regular Session, 2011

SENATE BILL NO. 240

BY SENATOR CHABERT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISH/FISHING. Provides relative to oysters leases. (gov sig)

1 AN ACT
2 To amend and reenact R.S. 56:423(A) and (B)(1), and to enact R.S. 56:428(D) and
3 Subsections D and E of Section 2 of Act No. 808 of the 2008 Regular Session of the
4 Legislature, relative to oyster leases; to provide for substitution for oyster leases
5 under certain circumstances; to provide relative to liability under certain
6 circumstances; to provide a procedure for ownership claims to certain oyster leases;
7 to provide certain terms, conditions, procedures, and requirements; and to provide
8 for related matters.
9 Be it enacted by the Legislature of Louisiana:
10 Section 1. R.S. 56:423(A) and (B)(1) are hereby amended and reenacted and R.S.
11 56:428(D) is hereby enacted to read as follows:
12 §423. Property rights, larceny or other public offenses concerning; leases heritable
13 and transferable; adjudication of claims
14 A. A lessee shall enjoy the exclusive use of the water bottoms leased and of
15 all oysters and cultch grown or placed thereon, subject to the restrictions and
16 regulations of this Subpart and Part II of Chapter 2 of Title 49 of the Louisiana
17 Revised Statutes of 1950.

1 (1) This exclusive use of water bottoms is subordinate to the rights or
2 responsibilities of the state, any political subdivision of the state, the United States,
3 or any agency or agent thereof, to take any action in furtherance of coastal
4 protection, conservation, or restoration. For purposes of this Subpart, "coastal
5 protection, conservation, or restoration" means any project, plan, act, or activity for
6 the protection, conservation, restoration, enhancement, creation, preservation,
7 nourishment, maintenance, or management of the coast, coastal resources, coastal
8 wetlands, and barrier shorelines or islands, including but not limited to projects
9 authorized under any comprehensive coastal protection master plan or annual coastal
10 protection plan issued pursuant to Part II of Chapter 2 of Title 49 of the Louisiana
11 Revised Statutes of 1950. The lessee shall hold the permittee, the state, and any
12 political subdivision of the state, and all or any agency or agent thereof free and
13 harmless from any claim for any damage, cost, expense, loss, or inconvenience
14 whatsoever arising from damage caused by coastal protection, conservation, or
15 restoration, except as provided in R.S. 56:427.1.

16 (2) This exclusive use of water bottoms is subordinate to the rights of any
17 person to engage in any oil or gas exploration and production activity permitted
18 by a coastal use permit granted pursuant to R.S. 49:214.30 before the date that
19 the original oyster lease application was filed pursuant to R.S. 56:427. The
20 lessee shall hold the permittee, the state, any political subdivision of the state,
21 or any agency or agent thereof free and harmless from any claim for any
22 damage, cost, expense, loss, or inconvenience whatsoever arising from damage
23 caused by oil or gas exploration and production permitted by a coastal use
24 permit granted pursuant to R.S. 49:214.30 before the date that the lessee's
25 original oyster lease application was filed pursuant to R.S. 56:427. This
26 Paragraph shall not apply to any lease issued prior to the effective date of this
27 Paragraph, or to any lease reissued pursuant to Section 2.B. of Act No. 808 of
28 the 2008 Regular Session of the Legislature.

29 B.(1) A lessee of oyster beds or grounds who has obtained, recorded, and

1 marked lease in compliance with the law shall have the right to maintain an action
2 for damages against any person, partnership, corporation, or other entity causing
3 wrongful or negligent injury or damage to the beds or grounds under lease to such
4 lessee.

5 (a) However, no lessee shall have any right to maintain any action against
6 the state, any political subdivision of the state, the United States, or any agency,
7 agent, or contractor, or employee thereof for any claim arising from any project,
8 plan, act, or activity in relation to coastal protection, conservation, or restoration,
9 except as provided in R.S. 56:427.1.

10 (b) No lessee shall have any right to maintain any action against any
11 person arising from any oil or gas exploration and production activity permitted
12 by a coastal use permit granted pursuant to R.S. 49:214.30 before the date that
13 the lessee's original oyster lease application was filed pursuant to R.S. 56:427.
14 This Subparagraph shall not apply to any lease issued prior to the effective date
15 of this Subparagraph or to any lease reissued pursuant to Section 2.B. of Act No.
16 808 of the 2008 Regular Session of the Legislature.

17 * * *

18 § 428. Commencement and duration of lease; renewal; fixing of rental rates

19 * * *

20 D. Notwithstanding the provisions of R.S. 56:423(D), a private person
21 claiming ownership of property subject to an oyster lease pursuant to this
22 Subpart may notify the administrator of the state land office and the secretary
23 of the Department of Wildlife and Fisheries that he contests ownership of such
24 property. The relief available pursuant to and the results of such a notice
25 of contest are limited to those in this Subsection.

26 (1) The notice of contest shall be in writing and delivered by certified
27 mail, return receipt requested to both the administrator and the secretary. The
28 notice shall identify with specificity the boundaries of the leased property which
29 is being contested. The notice shall explain the basis upon which the contesting

1 party asserts ownership, and identify the oyster lease he believes has been
2 granted for the contested property and the lessee if known. The contesting party
3 shall attach copies of all deeds of ownership and other documents upon which
4 he bases his assertion of ownership.

5 (2) The notice of contest must be received by the administrator and the
6 secretary at least three years before the expiration of the current lease of the
7 contested property.

8 (3) Upon receipt of a notice of contest meeting the requirements of this
9 Subsection, the secretary shall advise the lessee of record with the department
10 for the lease within the area of contested ownership that ownership of the
11 property covered by the lease has been contested. The secretary shall advise the
12 lessee, in writing and delivered by certified mail, return receipt requested within
13 sixty days after receiving the notice of contest or at least three years before the
14 expiration of the lease covering the area of contested ownership, whichever is
15 later.

16 (4) Upon receiving a notice of contest meeting the requirement of this
17 Subsection, the administrator shall review the ownership status of the contested
18 property, and shall advise the secretary as to whether and as to which portion
19 of the contested property the state of Louisiana claims ownership. To the extent
20 that the state does not claim ownership of the contested property, the secretary
21 shall not renew the lease. To the extent that the state may renew the lease in
22 accordance with this Subpart, the secretary shall notify the lessee under the
23 affected lease, in writing and delivered by certified mail, return receipt
24 requested, as to the determination regarding state ownership by the
25 administrator and the action to be taken by the secretary pursuant to this
26 Subsection.

27 (5) The Department of Wildlife and Fisheries shall, in consultation with
28 the Louisiana Sea Grant College Program, engage in a comprehensive analysis
29 of the state's oyster leasing program with a goal of increasing the total actively-

1 harvested oyster lease acreage. This analysis shall include but not be limited to
2 the statutory, regulatory, procedural, and fiscal components of the program and
3 options for improvements to its management, operation, and financial basis.
4 Within two years from the effective date of this Subsection, the department
5 shall make a comprehensive recommendation to the Louisiana Wildlife and
6 Fisheries Commission for improvements to the program, identifying the
7 statutory, regulatory, procedural, and fiscal changes necessary and appropriate
8 to such improvement.

9 Section 2. Subsections D and E of Section 2 of Act No. 808 of the 2008 Regular
10 Session of the Legislature are hereby enacted to read as follows:

11 * * *

12 D. The rules for final lifting of the moratorium shall allow the leaseholder
13 of record for an oyster lease from the state that was in effect on April 20, 2010,
14 and that was significantly impacted as a result of the Deepwater Horizon oil
15 spill, including operation of freshwater diversions in response to the spill, to
16 select and obtain a new lease in substitution for the impacted lease.

17 (1) The opportunity to select a substitution lease shall be provided for a
18 limited period of time, and shall become available for exercise after resolution
19 of the rights of first refusal provided by Section 2.B. hereof, lease applications
20 pending on March 7, 2002, and the lease expansions if any authorized by
21 Section 2.C. hereof.

22 (2) The rules for substitution leases provided for in this Section shall:

23 (a) Provide a methodology and measure for the Department of Wildlife
24 and Fisheries to determine leases that were significantly impacted for purposes
25 of this Act;

26 (b) Provide a methodology for determining the size of substitution leases
27 in relation to the size of the significantly impacted lease;

28 (c) Provide for a leaseholder who elects to obtain a substitution lease to
29 retain his existing lease for three years, to allow for orderly transition to the

1 substitution lease. At the end of the transition period, the original lease shall be
 2 automatically terminated;

3 (d) Preclude selection of substitution leases in areas that are determined
 4 to be significantly impacted pursuant to the methodology discussed in Section
 5 2.A.; and

6 (e) Treat substitution leases as new leases for all purposes.

7 Section 3. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor upon expiration of this time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Michelle Broussard-Johnson.

DIGEST

Proposed law relative to oyster leases authorizes leases significantly impacted by the Deepwater Horizon oil spill to obtain substitution leases. Such substitution leases would be available for a limited period of time, after resolution of rights of first refusal for reissuance of leases nonrenewed since 1996 due to coastal restoration projects, lease applicants pending when the oyster lease moratorium was implemented on March 7, 2002, and rights of existing lessees to expand their leases up to 500 feet.

Present law authorizes oyster leases and oil and gas exploration activities, concurrently and on the same areas of state-owned property, without providing for priority of such uses or resolving conflicts between the uses.

Proposed law precludes liability to an oyster lease arising from oil and gas activities permitted prior to filing a new oyster lease for the same property.

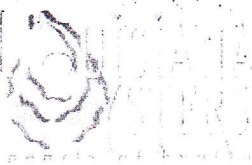
Present law authorizes oyster leases to be renewed, even when ownership of the leased property is contested.

Proposed law authorizes private persons contesting ownership of leased property to notify the administrator of the State Land Office and the secretary of the DW&F of such contest, requires the Secretary to notify the lessee, requires the administrator to determine whether the state claims ownership of the contested property, requires the secretary not to renew the oyster lease if the state does not claim ownership, and authorizes the secretary to renew the oyster lease if the state does claim ownership, subject to all other requirements for such renewal.

Proposed law directs the DW&F, in consultation with the Louisiana Sea Grant Program, to engage in a comprehensive analysis of the state's oyster leasing program, and to make a comprehensive recommendation to the Louisiana Wildlife and Fisheries Commission for improvements to the program, identifying the statutory, regulatory, procedural, and fiscal changes necessary and appropriate to such improvement.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 56:423(A) and (B)(1); adds R.S. 56:428(D) and Subsections D and E of Section 2 of Act No. 808 of 2008 R.S.)



April 4, 2011

Robert Barham
LA Dept. of Wildlife and Fisheries
P.O.Box 98000
Baton Rouge, LA 70898

Dear Secretary Barham,

At the March 29th La. Oyster Task Force meeting Mr. Brian Lezina presented to the board the DWF plans for a oyster cultch plant (\$2 MM) in the area of Half Moon Island. After a number of questions were answered and significant discussion on the topic of preferential location for a cultch plant, a motion was unanimously adopted to present the LOTF's recommendations to the Department.

Specifically, the LOTF recommends that the 2011 cultch plant be relocated and re-planned for implementing into Coastal Study Area 2, (Black Bay, Lonesome Island, Snake Island).

Some of the reasons given include:

- 1) The location at Half Moon Island is farther away, and harder to access for most of Louisiana's oyster fleet. The location is also in more open waters of the Mississippi Sound and would be more dangerous for smaller vessels to access.
- 2) The location at Half-Moon may be negatively affected by the opening of the Bonnet Carre Spillway, should the Mississippi River rise to the critical flood stage.
- 3) All of the most recent cultch plants in CSA 2 reportedly have been very successful.
- 4) CSA 2 which is traditionally the "heart" of Louisiana's public seed grounds has arguable been the hardest hit in recent years with hurricanes, harvesting pressure, and oil spill effects.

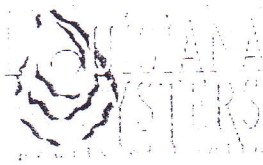
The LOTF hopes that you take these factors into account upon making your decision. In light of the limited funds that are available, we suggest that at this time, a cultch plant in the Black Bay area would provide more realized benefits to the La. oyster industry.

Sincerely Yours,

A handwritten signature in cursive script, reading "John A. Tesvich".

John Tesvich, Chairman

cc: (via email) Patrick Banks



April 25, 2011

Dr. Joseph Glauber, Chairman
Federal Crop Insurance Corporation
Jamie Whitten Building
1400 Independence Avenue
Washington, DC 20250

Dear Dr. Glauber:

The Louisiana Oyster Task Force (LOTF) thanks the FCIC Board for the continuing support our industry receives from the oyster crop insurance program. As you are well aware, the insurance program provides an important risk management tool to our community of growers. The oyster community worked with RMA to overcome the many challenges encountered in the program's development. In its second year, the program was well received by the oyster community. Our efforts to obtain crop insurance were intended to help us become more self-reliant in the face of natural disasters and an effort to help our industry become more resilient. We look forward to continuing our participation in this important risk management tool.

On April 20, 2010 the Deepwater Horizon event began. Neither the rig owner nor the Federal response could contain the event for 87 heartbreaking days. The LOTF considered, on two occasions, requesting a suspension of the crop insurance program. However, we did not and could not have known the extent of damage that would follow the disaster. Though now a memory for most, the economic consequences of the disaster continue to adversely affect our industry.

Consistent with the Crop Insurance Act, the oyster crop insurance program provides protection against a naturally occurring loss of production. Man-made losses were considered and addressed during the development of the program. In the event the oyster harvest is interrupted due to a man-made event, the crop provisions contain a "substitution clause" that replaces actual production amounts with historic production averages in the affected area. This substitution precludes any payment of indemnities not authorized by the act. The substitution clause therefore eliminates insurer risk.

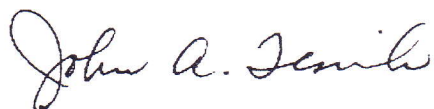
When the substitution clause was conceived, it was envisioned by all as a measure with that would affect small areas for a limited amount of time. In short, everyone believed it would have minimal impact and provide a way to address the concerns with non-natural disasters. The events of 2010 were larger than anyone contemplated during the design of the insurance program. The substitution clause will be used over a wide area and for a large portion of the 2011 insurance period. Since the substitution clause eliminates insurance risk, insurers did not face a risk of loss in many if not most locations and for many if not most insurance policies. Considering the unprecedented disaster the oyster community continues to struggle with, the LOTF respectfully requests that the Board consider that insurance premiums for oyster

Louisiana Oyster Task Force
2021 Lakeshore Drive Suite 300 New Orleans, Louisiana 70122 OFFICE 504.286.8736 FAX 504.286.8738

policyholders be reduced to reflect the actual risk of loss insurers assumed. In many cases, the risk was reduced to zero and those premiums due should reflect that condition.

Due to the BP Deepwater Horizon oil spill, Louisiana's oyster community is currently faced with significant challenges in rebuilding its production capability. We would sincerely appreciate your consideration of this very important matter which would help alleviate the financial burden for oyster growers who have supported the very important crop insurance program that we've had in place.

Sincerely Yours,



John A. Tesvich, Chairman

cc: Senator Mary Landrieu
Senator David Vitter
Representative Steve Scalise
Representative Cedric Richmond
Representative Jeff Landry
Representative John Fleming
Representative Rodney Alexander
Representative Bill Cassidy
Representative Charles Boustany



April 27, 2011

Representative Scott Simon
P.O. Box 1297
Abita Springs, Louisiana 70420

Re: House Bill 246

Representative Simon,

As chairman of the Louisiana Oyster Task Force I would like to offer our support of House Bill 246, which would change the state gemstone from agate to LaPearlite. LaPearlite is derived from the shell of the American oyster, which is harvested along Louisiana's coastal waters. We believe the Louisiana oyster is the perfect symbol for the residents of Louisiana which will represent the hard work and dedication of the more than 3,500 oyster fishermen who have helped harvest more than 15 million lbs of oyster meat each year with a dockside value of more than \$51 million dollars.

Our oyster farmers are resilient, we have survived floods, hurricanes and as of recent the Gulf Oil Spill disaster. We believe it would be an incredible honor to showcase our oysters as the state gemstone and ask for your consideration in this manner.

Sincerely,

John Tesvich
Chairman, Louisiana Oyster Task Force



BOBBY JINDAL
GOVERNOR

State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF SECRETARY

ROBERT J. BARHAM
SECRETARY

April 4, 2011

John Tesvich, Chairman
Louisiana Oyster Task Force
2021 Lakeshore Drive
Suite 300
New Orleans, LA 70122

Dear Chairman Tesvich,

Thank you for your March 30, 2011 letter on behalf of the Louisiana Oyster Task Force regarding the status of oyster harvesting in Sabine Lake. Sabine Lake has been a biological treasure not only to Louisiana, but to all of North America for the last five decades as one of the few un-harvested, productive oyster reefs still in existence. In considering your letter, we revisited the numerous economic, social and political factors that must be considered in any action that would impact the great resource Sabine Lake provides.

We appreciate the concern of the Task Force in examining options that some parties believe may provide relief to the Louisiana commercial oyster industry. However, we do not believe that opening this area for harvest is a wise decision at this time.

In addition to the valuable role the Task Force plays in guiding our decisions that impact the industry, we also look to the Louisiana Wildlife and Fisheries Commission for guidance in the execution of management of our fisheries resources. The Commission provides an ideal venue for the request of stakeholder groups and the general public to voice concern over the execution of management practices that would impact a several diverse interest groups. The next Commission meeting is this coming Thursday, April 7, which would be an ideal opportunity to have your concerns addressed. If you would like to have the issue placed on the meeting agenda, please contact Susan Falcon at sfalcon@wlf.la.gov.

Also a major consideration for our Department is the sentiment our cohorts at Texas Parks and Wildlife. Through efforts of our staff in recent years, the Department was able to announce last month an agreement and to sign a memorandum of understanding regarding concurrent border regulations. In an effort to maintain our relationship with Texas on issues that impact management practices and resources in both states, we would seek the support of their officials in any changes for oyster harvesting in Sabine Lake. At this time, though, Texas Parks and Wildlife officials have expressed their opposition to any changes to Sabine's current regulations.

Again, we feel strongly that Sabine Lake holds a special place as a resource for Louisiana. Not only is it still a place of great biological value, but it remains a national fisheries hallmark. The research opportunities presented by keeping the lake closed for oyster harvesting are such that we feel strongly they cannot be duplicated elsewhere.

Thank you for reaching out to us with your concern for regulation changes in Sabine Lake. At this time, we do not feel that it would be wise to modify the regulations regarding oyster harvesting.

● Page 2
Sincere thanks,

April 4, 2011

Robert Barham
Secretary
Louisiana Department of Wildlife and Fisheries

Cc: Governor Bobby Jindal

Representative Gordon Dove, Chairman, House Natural Resources and Environment Committee

Senator "Jody" Amedee, Chairman, Senate Natural Resources Committee

March 30th, 2011

Mr. Robert Barham, Secretary

Louisiana Department of Wildlife and Fisheries

P.O. Box 98000

Baton Rouge, La. 70898

Re: LOTF suggestions relating to the opening of oyster harvest areas in Sabine Lake

Secretary Barham:

The Louisiana Oyster Task Force at its meeting on March 29th, 2011 overwhelmingly passed a motion supporting an immediate opening of Sabine Lake in western Louisiana for oyster harvesting. As part of the motion it was suggested that a 20 sack daily limit be put in place and that the area remain open until October 31st, 2011.

Oyster mortalities caused last year by the BP Macondo well explosion and resulting months of oil and gas spewing into the Gulf of Mexico and the unrestricted opening of freshwater diversions by the state as part of the state's response to the threat of oil washing ashore have brought disaster on the oyster community in Louisiana. We are asking for this relief to be offered to the oyster community through immediate action that we feel that you can take unilaterally!

John Tesvich, Chairman

Cc: Governor Bobby Jindal

Representative Gordon Dove, Chairman, House Natural Resources and Environment Committee

Senator "Jody" Amedee, Chairman, Senate Natural Resources Committee

KIRK BURLEIGH
PRESIDENT
THOMAS McDANIEL
VICE PRESIDENT
EARNESTINE T. HORN
ADMINISTRATOR
BONNIE W. CONNER
SECRETARY TREASURER

POLICE JURY
PARISH OF CAMERON

P.O. BOX 1280
CAMERON, LOUISIANA 70631

(337) 775-5718
(337) 542-4145 Fax
cppjry@camtel.net

DISTRICT 1
VACANT SEAT
DISTRICT 2
CHRISTOPHER BRADDA
DISTRICT 3
CHARLES BRECHT
DISTRICT 4
THOMAS McDANIEL
DISTRICT 5
SCOTT THOMAS
DISTRICT 6
KIRK BURLEIGH
DISTRICT 7
LARRY KATZ

RESOLUTION

STATE OF LOUISIANA
PARISH OF CAMERON

WHEREAS, the economy of Cameron Parish is dependent on the fishing industry; and

WHEREAS, the oyster market is an abundant resource for the Parish of Cameron; and

WHEREAS, as a result of the Deepwater Horizon oil spill, the oyster market is expected to be in a downturn for at least 2 years.

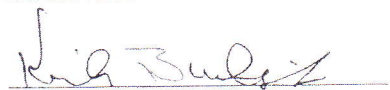
WHEREAS, recent Wildlife & Fisheries data estimates the Sabine Lake, Parish of Cameron to have an estimated 1.4 million sacks of oyster available for harvesting;

NOW, THEREFORE, BE IT RESOLVED, that the Cameron Parish Police Jury does hereby urge and request the Department of Wildlife & Fisheries and the Wildlife & Fisheries Commission to open Sabine Lake oyster harvesting as quickly as is practical.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Cameron Parish Police Jury does hereby urge and request the Department of Wildlife & Fisheries and the Wildlife & Fisheries Commission to maintain the 10 sack limit in West Cove, Calcasieu Lake and Sabine Lake based upon their recent stock assessments and current recommendations, as well as, those of the Louisiana Department of Health and Hospitals.

ADOPTED AND APPROVED this 4th day of October, 2010.

APPROVED:


KIRK BURLEIGH, PRESIDENT
CAMERON PARISH POLICE JURY

ATTEST:


BONNIE W. CONNER, SECRETARY

